

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	) Case No. 20-44591-659
	) Honorable Kathy A. Surratt-States
REBECCA S. ADAWAY,	) Chapter 7
	)
Debtor.	) <b>MOTION TO COMPEL</b>
	)
	) Hearing Date: January 11, 2021
	) Hearing Time: 10:00 a.m.

**MOTION TO COMPEL**

COMES NOW David A. Sosne, duly appointed Chapter 7 Trustee herein, and for his Motion to Compel Turnover (“Motion”), respectfully states to this Honorable Court as follows:

1. This Court has jurisdiction over the subject matter of these proceedings pursuant to 28 U.S.C. §§ 1334, 151 and 157, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.

2. This is a “core” proceeding pursuant to 28 U.S.C. § 157(b)(2)(A), (E) and (O), which the Court may hear and determine.

3. On or about September 25, 2020 (the “Petition Date”), Rebecca S. Adaway (“Debtor”) filed her Voluntary Petition for relief pursuant to Chapter 7 of the United States Bankruptcy Code, which is presently pending in this judicial district as Case No. 20-44591.

4. David A. Sosne (“Trustee”) is the duly appointed and acting Chapter 7 Trustee for Debtor’s bankruptcy estate.

5. Pursuant to Rule 4002 of the Federal Rules of Bankruptcy Procedure, Debtor is obligated to cooperate with Trustee in the administration of the estate.

6. Prior to the Petition Date, Debtor sold a piece of real property in Wentzville, Missouri (“Wentzville Home”).

7. Shortly thereafter, Debtor purchased a piece of real property in Foristell, Missouri (the “Foristell Home”).

8. In follow-up to a request at the 341 meeting held October 20, 2020, Trustee sent letters to Debtor’s counsel on October 23, 2020 and on November 12, 2020 requesting a copy of the closing statement for the sale of the Wentzville Home sale, an itemized list of expenses paid on the Foristell Home (with supporting documents), and any bank statements reflecting the expenditure of the Wentzville Home sale proceeds.

9. It is necessary for the Trustee to have access to the aforementioned information/documents in order to conduct his due diligence.

WHEREFORE, Trustee respectfully requests that this Honorable Court enter an Order (a) compelling Debtor to, within seven (7) days after entry of the Order, turnover (1) a copy of the closing statement for the sale of the Wentzville Home sale, (2) an itemized list of expenses paid on the Foristell Home (with supporting documents), (3) and any bank statements reflecting the expenditure of the Wentzville Home sale proceeds; and (b) granting any other and further relief as is proper.

Respectfully Submitted,  
SUMMERS COMPTON WELLS LLC

Date: November 30, 2020

By: /s/ Brian J. LaFlamme  
Brian J. LaFlamme, #49776MO  
Attorney for Trustee  
8909 Ladue Road  
St. Louis, MO 63124  
(314) 991-4999/(314) 991-2413 Fax  
[trusteeatty@summerscomptonwells.com](mailto:trusteeatty@summerscomptonwells.com)

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE that the Trustee’s Motion to Compel (the “Motion”) will be called up for hearing before the Honorable Kathy Surratt-States on the 11th day of January, 2021,

at 10:00 a.m. or as soon thereafter as counsel may be heard at the United States Bankruptcy Court, Thomas F. Eagleton Courthouse, 111 S. 10<sup>th</sup> Street, 7<sup>th</sup> Floor, North, St. Louis, Missouri 63102. A duplicate of the Motion is available upon request to the undersigned or via the Court's CM/ECF Case Management-Electronic Case Filing System. Any response or objection to such must be filed with the Clerk of the United States Bankruptcy Court, Thomas F. Eagleton United States Courthouse, 111 South 10th Street, 4th Floor, St. Louis, Missouri 63102.

**WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY JANUARY 4, 2021. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed electronically on November 30, 2020 with the United States Bankruptcy Court for the Eastern District of Missouri and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List. I further certify that a true and correct copy of the foregoing document has also been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed below on November 30, 2020.

<b>Rebecca S Adaway</b> 10233 Village Drive East Foristell, MO 63348	<b>Brent S. Westbrook</b> Westbrook Law Group, LLC 515 Jefferson St., Suite C Saint Charles, MO 63301
----------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

/s/ Christina Hauck